

WESTERN AUSTRALIA.



ANNO PRIMO

GEORGII QUINTI REGIS,

XXXVIII.

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No. 27 of 1911.

AN ACT to provide for the appointment and incorporation of Trustees for the Public Library of Western Australia, and the Western Australian Museum and Art Gallery, and for purposes consequent on and incidental to that object.

[Assented to 16th February, 1911.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Public Library, Museum, and Art Gallery of Western Australia Act, 1911*, and shall come into operation on a day to be fixed by Proclamation. Short title and commencement.

2. The Committee of the Public Library of Western Australia, and the Committee of the Western Australian Museum and Art Gallery shall, on the appointment of Trustees under this Act, be dissolved. Existing Committees dissolved.

Incorporation of trustees.

3. (1.) For the government of the Public Library of Western Australia, and the Western Australian Museum and Art Gallery, there shall be fourteen trustees, who shall be appointed as hereinafter provided.

(2.) The trustees shall be a body corporate by the name of "The Trustees of the Public Library, Museum, and Art Gallery of Western Australia," and shall have perpetual succession and a common seal, and may by that name sue and be sued, and shall have power to purchase, take, hold, sell, lease, exchange, mortgage, and dispose of real and personal property.

Appointment of trustees.

4. (1.) Twelve of the trustees shall be appointed by the Governor.

(2.) The trustees appointed by the Governor at the commencement of this Act shall, at a meeting convened by the Colonial Treasurer, co-opt and appoint two trustees.

(3.) Future co-opted trustees shall be chosen and appointed at an ordinary meeting of the trustees, or at a special meeting of the trustees convened for the purpose.

Term of office.

5. (1.) Except as hereinafter provided, every trustee appointed by the Governor shall hold office for the term of six years from the first day of January next preceding his appointment:

Provided that one-third of the trustees appointed by the Governor at the commencement of this Act shall retire on the last day of the year one thousand nine hundred and twelve, and of each alternate year thereafter, to the intent that there may be a biennial appointment by the Governor of four trustees:

Provided also that the order of retirement of such trustees shall be determined by the Governor on their appointment.

(2.) Every co-opted trustee shall hold office for a term to be fixed by the trustees at the co-optation, but not exceeding six years from the date of such co-optation.

(3.) Every trustee shall be eligible for re-appointment.

(4.) Any trustee may be removed by the Governor.

President.

6. (1.) There shall be a president of the trustees, who shall be one of their number to be appointed by the Governor, on the recommendation of the trustees.

(2.) The president shall be appointed for the term of his office as trustee.

(3.) The Governor may, upon the recommendation of the trustees, appoint an acting president, during the absence of the president, for a term of not less than three months; and the word "President" in this Act includes the acting president for the time being.

7. A casual vacancy in the office of a trustee shall occur in any of the following circumstances:— Casual vacancies—  
how caused.

- (a.) The death of the trustee.
- (b.) The resignation of the trustee by notice in writing, signed by the trustee, and received by the president or the secretary to the trustees.
- (c.) When the trustee has been absent, for the period of three months or more, from all the meetings of the trustees held during such period, without the permission of the trustees granted by a resolution passed before the expiration of such period.
- (d.) The removal of the trustee by the Governor.

8. (1.) The Governor may appoint a trustee upon any casual vacancy occurring in the office of any trustee appointed by him. Casual vacancies—  
how filled.

(2.) The trustees may appoint a trustee upon any casual vacancy occurring in the office of a co-opted trustee.

(3.) Any trustee appointed under subsection one of this section shall hold office for the unexpired portion of the term of office of his predecessor.

9. Every appointment of trustees, and of the president, shall be notified in the *Government Gazette*. Appointments to  
be gazetted.

10. Meetings of the trustees shall be held at such times as may be prescribed by regulations made under this Act: Meetings of  
trustees.

Provided that until such regulations are made the trustees may be convened by the president, or, until the appointment of a president, by the Colonial Treasurer:

Provided also that the president may call a special meeting of the trustees as often as he thinks proper.

11. The trustees may act and may exercise all their powers, notwithstanding any vacancy in their membership, and no act or proceeding of the trustees shall be invalid or illegal in consequence only of such vacancy existing at the time of such act or proceeding. Trustees may act  
notwithstanding  
vacancy.

12. At all meetings of the trustees any six trustees shall constitute a quorum, and all matters there considered shall be decided by open voting, and by the majority of the votes of the trustees present. Quorum.

13. (1.) At all meetings of the trustees the president, if present, shall be chairman: Chairman.

Provided that—

- (a.) at the meeting of the trustees held pursuant to subsection three of section four; or

(b.) in the absence of the president from any meeting; or

(c.) during a vacancy in the office of president,

one of the other trustees present shall be elected by those present to be chairman of the meeting.

(2.) The chairman shall have a deliberative vote, and when the votes are equal for and against a motion, a casting vote.

Land vested in trustees.

14. The land described in the Schedule to this Act, together with all buildings thereon, and any other land or buildings which the Governor, by Proclamation, so directs, shall, by force of this Act and without any transfer or conveyance, vest in the trustees for an estate in fee simple:

Provided that the Governor may, after notification to the trustees of his intention, permit the Geological Survey Branch of the Department of Mines to occupy the offices in that portion of the said buildings situated at the corner of Beaufort Street and Francis Street, and used at the commencement of this Act by the said Branch for such time and subject to such conditions as to the Governor may seem fit:

Provided also that the trustees may make regulations permitting any Government Department to have access to any part of the said land and buildings, and to the various collections therein contained:

Provided also that the trustees shall not sell, lease, mortgage, or otherwise deal with the said land or any part thereof without the consent of the Governor.

Personal property vested in trustees.

15. (1.) All books, maps, manuscripts, documents, and papers, all pictures, engravings, and works of art, all coins and medals, all objects of natural history, mineral specimens, and exhibits, and all other goods and chattels now contained in the Public Library of Western Australia, and the Western Australian Museum and Art Gallery, situated on the land described in the Schedule to this Act, except so far as any such goods and chattels are on loan to any Committee superseded by the trustees, or as the Governor may otherwise direct, are hereby vested in the trustees.

(2.) All gifts and bequests made to or on behalf or for the benefit or purposes of the Public Library of Western Australia, or the Western Australian Museum and Art Gallery shall be deemed gifts and bequests to or on behalf or for the benefit or purposes of the trustees.

(3.) The trustees are hereby empowered to receive, take, or purchase any books, maps, manuscripts, documents, papers, pictures, engravings, or other works of art, coins, medals, objects of natural history, mineral specimens, exhibits, and all other goods and chattels whatsoever, and to sell, exchange, or otherwise dispose of the same or any of them; but no picture or other work of

art shall be sold, exchanged, or otherwise disposed of without the consent of the Governor.

(4.) The trustees are also hereby empowered to lend any of such pictures and works of art—

(a.) to art galleries, art museums, and other similar institutions beyond the limits of the State, in exchange for loans of pictures or works of art; and

(b.) to municipalities and other institutions within the State,

upon proper and sufficient guarantees against loss or damage.

(5.) The trustees are also hereby empowered to lend any of the objects mentioned in subsection three of this section, to Government departments and heads of institutions or other persons upon proper and sufficient guarantees against loss or damage.

16. The trustees may appoint such officers and servants as they deem necessary, and may pay them such salaries and wages as the trustees deem proper, and may dismiss their officers and servants. Appointment of officers.

17. The trustees shall have power to receive the moneys annually granted by the Parliament for the Public Library of Western Australia and the Western Australian Museum and Art Gallery respectively, and to pay and apply such moneys. Application of Parliamentary grants.

18. (1.) The trustees may, with the approval of the Governor, make regulations for the following purposes:— Regulations.

(a.) For the conduct of their business and proceedings:

(b.) For the due management of the affairs of the Public Library of Western Australia, and the Western Australian Museum and Art Gallery:

(c.) For the admission and for the exclusion or expulsion of the public or any individual to and from the Public Library of Western Australia, and the Western Australian Museum and Art Gallery, or any part thereof:

(d.) For specifying the conditions and restrictions upon and subject to which the public may be allowed—

(i.) To read books, manuscripts, and other documents, or to make copies thereof or extracts therefrom:

(ii.) To inspect the pictures, works of art, and exhibits in the Art Gallery and the Museum, and to make drawings or copies thereof:

(e.) For the effectual use of the pictures, works of art, exhibits, coins, medals, mineral specimens, objects of natural history, books, maps, manuscripts, docu-

ments, pamphlets, and papers for the purposes of public education and enjoyment:

- (f.) For fixing penalties for any breach of such regulations, not exceeding the sum of twenty pounds for any one offence:
  - (g.) For such other purposes as the Governor by Proclamation allows: and
  - (h.) Generally for carrying into effect the objects of this Act or any of such objects
- (2.) All such regulations shall—
- (a.) Be published in the *Government Gazette*:
  - (b.) Take effect from the date of such publication, or from a later date to be specified therein; and
  - (c.) Be laid before both Houses of Parliament within fourteen days after publication if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next Session.

Procedure for offences.

19. (1.) All proceedings in respect of offences against any regulations made under this Act shall be heard and determined in a summary way under "The Justices Act, 1902."

(2.) A complaint for any such offence may be laid by or at the instance of any person.

Annual report and audit.

20. (1.) The trustees shall, on or before the thirtieth day of September in each year, report their proceedings during the twelve months ending on the preceding thirtieth day of June to the Governor, and a copy of such report shall be laid as soon as practicable before both Houses of Parliament.

(2.) The accounts of the trustees shall, once at least in every year, be audited by the Auditor General who shall, in respect of such accounts, have all the powers conferred on him by "The Audit Act, 1904," and any Act for the time being in force relating to the audit of public accounts.

(3.) An abstract of such accounts, together with the report of the Auditor General thereon, shall be laid, as soon as practicable, before both Houses of Parliament.

THE SCHEDULE.

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RESERVE 3521.

All that piece of land, situate in the City of Perth, bounded by a line commencing at the intersection of the North-West side of Beaufort Street with the North-East side of James Street; thence extending about 28deg. 14min. 5 chains along the said side of Beaufort Street; thence about 298deg. 14min. 6 chains along the South-West side of Francis Street; thence about 208deg. 14min. 5 chains along the South-East side of Museum Street, and about 118deg. 14min. 6 chains along the North-Eastern side of James Street aforesaid to the starting point (area 3 acres), and known as Perth Town Lots Y 29 and Y 291.